

*California Environmental Quality Act*  
(CEQA)

INITIAL STUDY

Supporting the Preparation of a Negative Declaration

for

A Resolution Waiving Waste Discharge Requirements  
for Vegetation Management Activities  
Regulated by the Tahoe Regional Planning Agency (TRPA)  
and

Authorizing the Lahontan Water Board's Executive Officer to Enter into a  
Memorandum of Understanding with the TRPA

October 2008

California Regional Water Quality Control Board, Lahontan Region  
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**530-542-5400**

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## PROJECT DESCRIPTION

The California Regional Water Quality Control Board, Lahontan Region (Water Board) is considering the adoption of a resolution waiving the filing of a report of waste discharge and waste discharge requirements for discharges associated with vegetation management activities in the Lake Tahoe Region, and authorizing the Water Board's Executive Officer to enter into a Memorandum of Understanding (MOU) with the Executive Director of the Tahoe Regional Planning Agency (TRPA). The MOU will designate the TRPA as the lead agency for permitting, review, and enforcement for vegetation management activities in the Lake Tahoe Region, with certain conditions.

The definition of **vegetation management activities** for the purpose of this project is:

Activities related to the management of vegetation for the purposes of: fuel reduction; forest thinning; environmental improvement (such as forest enhancement, riparian enhancement, and aspen stand enhancement); burned area rehabilitation; hazard tree removal; site preparation that involves disturbance of soil, burning of vegetation, or herbicide/pesticide application; or cutting or removal of trees and vegetation, together with all the work incidental thereto, including, but not limited to, construction, reconstruction and maintenance of roads, fuel breaks, stream crossings, landings, skid trails, or beds for the falling of trees. Vegetation management activities do not include aquatic vegetation management, preparatory tree marking, surveying, or road flagging.

The Water Board and the TRPA are both responsible for protecting water quality and beneficial uses of waters of the State within the Lake Tahoe Region by regulating activities which may have an adverse effect on these resources. In fulfilling its responsibilities, the Water Board has developed and implemented a program for regulating timber harvest and vegetation management activities through a waiver of waste discharge requirements related to timber harvest and vegetation management activities (Timber Waiver [Water Board Order No. R6T-2007-0008]). The Timber Waiver applies to projects throughout the Lahontan Region, including the Lake Tahoe Region.

Likewise, the TRPA regulates vegetation management activities in the Lake Tahoe Region through a tree removal permitting system and memoranda of understanding with land management agencies and fire districts. The programs of both agencies focus on ensuring impacts to water quality are avoided, the beneficial uses of waters of the State are protected, and that all feasible mitigation measures are implemented.

However, the vegetation management permitting systems of the Water Board and the TRPA are duplicative in that they implement and enforce the same or similar regulations and prohibitions. Under the current regulatory approach, project proponents

must have approval from both agencies, typically under a Timber Waiver (Water Board) and as an exempt or qualified exempt project, or under a tree removal permit (TRPA).

## **PURPOSE OF AND NEED FOR PROJECT**

The purpose of the proposed project is to simplify the existing regulatory system of permitting of fuel reduction projects in the Lake Tahoe Region.

The need for the project was identified in several recent documents: the *Community Wildfire Protection Plan for the California portion of the Lake Tahoe Basin* (November 2004), the *Lake Tahoe Basin Multi-jurisdictional Fire Reduction and Wildfire Prevention Strategy 10-year Plan* (December 2007), and the *California-Nevada Tahoe Basin Fire Commission Report* (May 2008). The latter two documents were developed following the June - July 2007 Angora fire in South Lake Tahoe, which damaged or destroyed hundreds of structures and utilities and burned over 3,000 acres of forested land within the project area.

The *Community Wildfire Protection Plan for the California Portion of the Lake Tahoe Basin* (CWPP) identified significant wildfire hazards that exist in and around the communities of Lake Tahoe, and proposed fuel reduction projects for their mitigation. On the California side of the Lake Tahoe Basin, a total of approximately 18,350 acres were proposed for defensible space treatments across multiple land ownerships.

The *Lake Tahoe Basin Multi-jurisdictional Fire Reduction and Wildfire Prevention Strategy 10-year Plan* (10-year plan) reported that most communities in the Tahoe Basin, as part of the National Fire Plan, were designated in the Federal Register (66 FR 751, January 4, 2001) as high risk for damage from wildfire. Based on this and other legislation, and because of the recent Angora fire, the 10-year plan proposes a continued public involvement strategy to work with homeowners on making their residences fire safe. In addition, the plan proposes 68,000 acres of vegetative fuel treatments across multiple jurisdictions to create defensible space and reduce fuels in the general forest. The treatments are prioritized to protect communities and people in areas that are most at risk.

On May 27, 2008, following review of the *California-Nevada Tahoe Basin Fire Commission Report* (Fire Commission report), Governor Arnold Schwarzenegger issued a Proclamation regarding current forest fuels and regulatory conditions in the Lake Tahoe Region following the Angora fire. The Proclamation found that a state of emergency exists within the Tahoe Basin counties of Placer and El Dorado relative to wildfire risk, and that certain actions should be implemented to improve fire suppression, fuels management, planning, and regulatory streamlining. The Governor's Proclamation found that the current regulatory environment within the Tahoe Basin for fuels treatment projects:

" . . . is confusing, overly complex and often incompatible with the immediate need to mitigate the threat of catastrophic wildfire, and that such regulation and procedures require the immediate attention of agencies and authorities having jurisdiction over the health and conditions of the forests in the Basin, including but not limited to the TRPA, in order to eliminate or otherwise reduce the adverse effects of confusing, overlapping, or unnecessarily restrictive regulations and regulatory procedures . . . ."

Therefore, the Water Board and the TRPA are proposing this cooperative approach to regulating vegetation management activities to fulfill the purpose and need for the project, as outlined above.

## **CONSISTENCY WITH PLANS AND POLICIES FOR WATER QUALITY PROTECTION**

The Water Board proposes to make a determination that waiving the filing of a report of waste discharge and waste discharge requirements for discharges associated with these types of projects, when effectively regulated by the TRPA, will not adversely affect the waters of the State and is in the public interest, consistent with the requirements of California Water Code (CWC) section 13269. To ensure that this waiver is in the public interest and consistent with the Water Quality Control Plan for the Lahontan Region (Basin Plan), the Water Board will outline conditions of applicability of the waiver within the Vegetation Management MOU consistent with CWC section 13269, subdivision (a)(1). Further, the MOU will contain certain provisions to ensure the public's interest is protected.

The resolution waiving the filing of a report of waste discharge and waste discharge requirements requires, as will the MOU with the TRPA, compliance with all applicable provisions of the Basin Plan. If the Water Board or TRPA finds that the MOU is not effective at protecting water quality, the MOU can be terminated by either party with a 60-day notice. Any activity for which waste discharge requirements has been waived by the Water Board may be considered a project requiring waste discharge requirements, or enrollment under the Timber Waiver, if the Board determines that the TRPA has failed to adequately regulate the activity, or the activity may have an adverse effect on water quality.

A provision of the Vegetation Management MOU will specify conditions under which Water Board staff would be consulted about proposed vegetation management activities within the Lake Tahoe Region for projects that may have a potentially significant impact to water quality or beneficial uses of waters of the State. The opportunity for Water Board staff's involvement would be based on a list of project thresholds. The proposed thresholds are:

- 1) Permanent crossings bridging a perennial reach of a watercourse.
- 2) Temporary "wet" crossings (vehicles crossing through a channel when water is present).

- 3) Herbicide/pesticide use, excluding use of Borax/Sporax.
- 4) New road construction over 3000 linear feet, temporary road construction that will not be decommissioned prior to the winter, or new or temporary road construction on slopes over 30 percent.
- 5) Treatment areas of more than five hundred (500) total acres or one hundred (100) acres of verified stream environment zone lands.
- 6) Equipment operations on slopes over 30 percent.

If any of these thresholds are exceeded by a proposed project, then TRPA staff would consult with Water Board staff early in the application or project consultation period of the vegetation management project proposal. Further, the Water Board's role as a responsible agency on the review team for timber harvest plans (as defined in the California Forest Practice Rules) on private lands in the project area will remain unchanged.

CWC section 13269 (a)(3) requires that waivers contain monitoring requirements to support the development and implementation of the waiver program, including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions. The state board or a regional board may waive the monitoring requirements for discharges that it determines do not pose a significant threat to water quality. The proposed waiver and MOU are consistent with these monitoring requirements.

TRPA's Code of Ordinances (Chapter 71) specifies that TRPA shall conduct pre-approval field review, pre-harvest field review, and post-harvest field review for substantial tree removal projects on private parcels. For substantial tree removal on USFS-administered parcels, TRPA conducts monitoring and evaluation. For other public parcels, the process is the same as for private parcels. "Substantial tree removal" is defined in the Code of Ordinances as activities on project areas of twenty acres or more and proposing the removal of more than 100 live trees ten inches diameter at breast height (dbh) or larger, or proposing the removal of more than 100 live trees ten inches dbh or larger within land capability districts 1a, 1b, 1c, 2, or 3 regardless of the project area, or proposing tree removal that, as determined by TRPA after a joint inspection with appropriate state or federal Forestry staff, does not meet the minimum acceptable stocking standards set forth in Subsection 71.4.B. of the Code.

TRPA also requires monitoring of projects conducted in SEZs using "innovative technology" vehicles and/or "innovative techniques" for the purpose of fire hazard reduction, provided that no significant soil disturbance or significant vegetation damage will result from the use of equipment. TRPA conducts a pre-operation inspection of the site to decide if vehicle use is appropriate for the given situation, to verify the boundaries of the SEZ, and to identify other areas of concern. Projects must be monitored to ensure that the SEZ has not sustained any significant damage to soil or vegetation. Along with the project proposal, adaptive management concepts should be applied to the monitoring plan. A monitoring plan must be submitted with all project proposals, including at a minimum: a list of sites and attributes to be monitored; specification of who will be responsible for conducting the monitoring and report; and a monitoring and reporting schedule.

In addition, Chapter 32 of TRPA's Code of Ordinances specifies that pursuant to the Goals and Policies, TRPA shall carry out a monitoring program, including a long-term strategy and short-term monitoring workplan. The monitoring program shall evaluate environmental quality, indicators, compliance measures, interim targets, and other related items by the specific methods set forth in the monitoring program.

The MOU also specifies several conditions to ensure that Water Board and TRPA staff persons communicate regarding the effectiveness of the waiver and MOU in protecting water quality. These conditions include notification requirements if a third party violates the term of any permit or project authorization; "triggers" for more complex projects that may benefit from interagency consultation; yearly information exchange regarding the projects that each agency has authorized to proceed under the MOU; and twice yearly communication, training, and technical review to discuss any problems, issues or opportunities encountered during the administration and implementation of the MOU. These conditions provide opportunities for adaptive management and communication necessary to ensure the objectives of the MOU are met, and that projects are effectively regulated under the waiver and MOU. The above-described monitoring activities demonstrate that the proposed project is consistent with CWC section 13269 (a)(2).

Waiving waste discharge requirements and entering into an MOU with the TRPA does not limit the enforcement authority of the Water Board, and the Water Board may take enforcement action as necessary to ensure compliance with its environmental standards and regulations. Under the proposed MOU, the Water Board does not waive filing a report of waste discharge for vegetation management activities where an Environmental Impact Report is prepared with a Statement of Overriding Considerations for any water quality factor.

The TRPA is mandated by Public Law (P.L.) 96-551 (the Tahoe Regional Planning Compact), to protect the quality of water at Lake Tahoe and has adopted thresholds and ordinances aimed specifically at protecting and improving water quality. The TRPA is the designated water quality planning agency under Section 208 of the Clean Water Act. The TRPA's "208 Plan" was certified by the states of California and Nevada and the USEPA, and establishes control measures to protect water quality including a tree removal permit system, stream environment zone and wetland protection policies, vegetation protection and management provisions, prohibitions against fill in 100-year floodplains, and use of Best Management Practices (BMPs). The TRPA's Regional Plan also provides for attaining and maintaining the strictest water quality standards established by federal or state agencies as required by Article 5, section 5(d) P.L. 96-551, and the TRPA Code of Ordinances incorporates water quality standards as equally restrictive as those contained in the Lahontan Basin Plan.

TRPA's Code of Ordinances outlines the procedures by which TRPA regulates vegetation management activities. For example, Chapter 20 contains discharge prohibitions against permanent disturbance in SEZs that are equal to those contained in

Chapter 5 of the Lahontan Basin Plan. Exemption criteria and mitigation requirements necessary for certain projects to proceed in these areas are essentially the same as those contained in the Basin Plan. TRPA's prohibitions against the discharge of solid or liquid waste to surface waters are also equivalent to those found in the Lahontan Basin Plan. TRPA's Code of Ordinances, Chapter 71, contains project review, approval and monitoring requirements, and standards for tree removal, management techniques, cutting practices, logging road and skid trail construction, slash disposal, and prescribed burning. TRPA implements these procedures to comply with the 208 Plan and fulfill its natural resource protection mandates, including water quality, habitat, and soils protection.

The proposed Vegetation Management MOU, the TRPA will have responsibility for reviewing projects, issuing permits, conducting inspections and taking enforcement action as necessary to ensure compliance with permits and applicable regulations, including its Code of Ordinances, "208 Plan," and the Basin Plan. The TRPA's enforcement mechanisms include issuing notices of correction, notices of violation, and cease and desist orders. The Executive Director of the TRPA can revoke project permits in certain cases. The TRPA Governing Board can authorize legal counsel to pursue judicial remedies, including declaratory and injunctive relief, and civil penalties pursuant to Article VI (1) of the TRPA Compact.

The MOU approach between the Water Board and the TRPA is currently used to regulate various construction, BMP, and groundwater cleanup projects in the Lake Tahoe Region, and has been shown to be effective in doing so. In 2003, the Water Board and TRPA executed an MOU defining a cooperative approach toward implementation of water quality plan provisions related to prevention of water pollution; control of erosion, sediment, storm water and wastewater; and cleanup activities for ground water contamination. Primary and secondary permitting, review, and enforcement responsibilities are outlined, with coordination requirements to track the effectiveness of the 2003 MOU in protecting water quality. The 2003 MOU is mutually beneficial to the Water Board, TRPA and the regulated public to avoid unneeded duplicative regulation, while still protecting water quality.

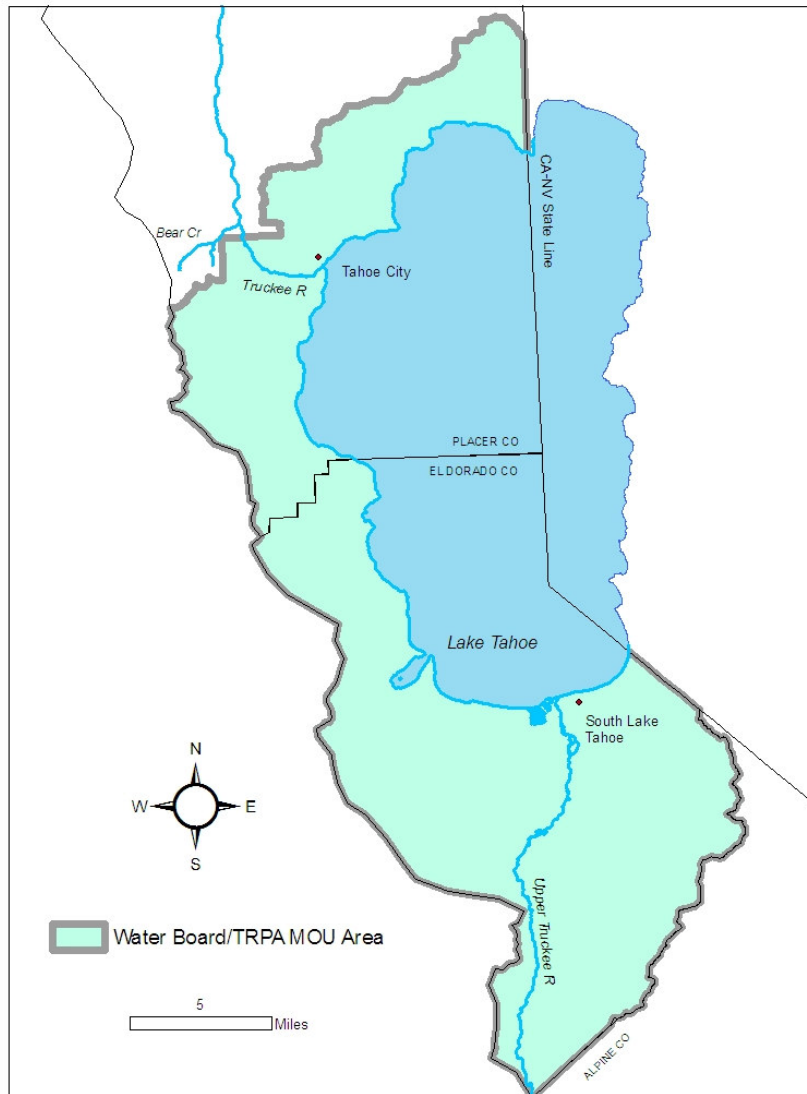
This MOU does not limit or change the existing permitting authorities or responsibilities of other agencies. For example, on private timberlands, CAL FIRE is the lead agency for conducting CEQA and issuing permits to timberland owners and operators performing vegetation management activities within the project area. On lands managed by the US Forest Service, approval to conduct timber harvest and vegetation management activities is only granted after the US Forest Service has prepared environmental documents to comply with the National Environmental Policy Act (NEPA). On lands owned and/or managed by the State of California (i.e., California Department of Parks and Recreation, and the California Tahoe Conservancy, California Department of Transportation), approval to conduct timber harvest and vegetation management activities is granted only after environmental analysis in compliance with the California Environmental Quality Act (CEQA) is completed.



As described above, the proposed project is consistent with applicable plans and policies regarding water quality protection in the mutual jurisdiction of the Water Board and the TRPA.

## **ENVIRONMENTAL SETTING**

The project area is the California portion of the Lake Tahoe Region under mutual jurisdiction of the Water Board and the TRPA (Figure 1). The “Lake Tahoe Region” is defined by P.L. 96-551, and includes lands in El Dorado and Placer Counties, California, which are tributary to Lake Tahoe. The California portion under the jurisdiction of both the TRPA and the Water Board does not include the Alpine County portion of the Lake Tahoe watershed, but does include part of the Truckee River Hydrologic Unit, between the Lake Tahoe outlet dam and the Bear Creek confluence. References to the Lake Tahoe Basin in this document are synonymous with the project area described above.



**Figure 1. MOU Area**

The Lake Tahoe Region is comprised of about 500 square miles of land both within California and Nevada, of which approximately 70 percent is within California. Approximately 40 percent of the Lake Tahoe watershed is occupied by Lake Tahoe itself. The majority of the land surface within the Lake Tahoe Region is forested land, mainly owned and managed by the US Forest Service - Lake Tahoe Basin Management Unit (LTBMU). Other large land managers within California portion of the Lake Tahoe Region include the California Department of Parks and Recreation, the California Tahoe Conservancy, and private ski resort companies. Land uses within the Lake Tahoe Region are primarily residential, commercial, recreation and open space. The Lake Tahoe Region has a legacy of commercial forestry, grazing and limited mining.

Lake Tahoe is a designated Outstanding Natural Resource Water, renowned for its extraordinary clarity and deep blue color. Since the 1960s, Lake Tahoe has become impaired by declining transparency and increased phytoplankton productivity due to increased sediment and nutrient loading attributable to human activities. Under federal and state antidegradation regulations and guidelines, no further degradation of Lake Tahoe can be permitted, except for limited and temporary circumstances.

## **BASELINE CONDITIONS FOR PROPOSED PROJECT**

CEQA requires a Lead Agency to prepare an Initial Study to determine whether a project may have a significant effect on the environment (Cal. Code Regs., tit. 14, section 15063(a)). A "significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (Cal. Code Regs., tit. 14, section 15382).

To assess whether the proposed MOU may have a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, it is necessary to describe existing or baseline conditions before the MOU is adopted. For many projects subject to CEQA, baseline conditions are represented by the statement "no project", since the proposed project has not been built, or the proposed activity is not ongoing. In these cases, the magnitude of change may be substantial.

For this project, baseline conditions are not represented by the statement "no project", since all of the land management and most of the local fire agencies have been actively treating hazardous fuels near communities for many years. The National Fire Plan (2001) identified eight communities in the California portion of the Lake Tahoe Basin as "communities at risk." In response, over 14,000 acres of fuel reduction treatments have been completed in the Lake Tahoe Basin since 2000 (including the Nevada portion of the Lake Tahoe Basin, outside this MOU project area), averaging 1,856 acres annually in 2005–2006. Many urban lots have been treated as well, with the help of 21 local "Fire Safe" chapters formed through the Tahoe Regional Office of the Nevada Fire Safe Council.

In addition to the already completed vegetation management projects described above, a large number of fuels treatment and maintenance treatment projects are currently proposed. In all, over 6,000 fuel reduction treatments are proposed in the 10-year plan. Treatment sizes range from 0.1-acre urban lots to 500-acre general forest treatments. Combined, these represent approximately 68,000 acres of fuel reduction treatments proposed and prioritized for the next 10 years. These projects represent another baseline condition, as they were already identified prior to consideration of this proposed MOU.

Implementation of the proposed Vegetation Management MOU will not change the scope, methods, number or extent of projects proposed in the 10-year plan; nor will it change the fact that fuels management projects have, and will continue, to occur in the project area. We considered, however, whether simplifying the permitting process for vegetation management in the project area (via the MOU) has the potential to accelerate the implementation schedule of the 10-year plan and result in a significant effect on the environment. Whether substantial evidence exists to indicate that implementation of the MOU would have a significant effect on the environment is discussed in the next section.

## **DISCUSSION OF POTENTIAL EFFECTS OF PROPOSED PROJECT**

This Initial Study is prepared to determine whether the project may have a significant effect on the environment. If the Water Board finds there is no substantial evidence that the project may have a significant effect on the environment, a Negative Declaration may be adopted. A significant effect on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (Cal. Code Regs., tit. 14 section 15382).

"Substantial evidence" as used in the CEQA Guidelines, means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached" (Cal. Code Regs., tit. 14, section 15384(a)). Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or evidence which is clearly erroneous or inaccurate, does not constitute substantial evidence (Cal. Code Regs., tit. 14, section 15384(a)).

As described above, implementation of the Vegetation Management MOU will not change the regulatory requirements, statutory authorities, or enforcement abilities of the Water Board or the TRPA. However, the stated purpose of this project is to simplify the existing vegetation management permitting system. As a result of this simplified process, a potential outcome is that vegetation management activities (e.g., as proposed in the 10-year plan) could be carried out more rapidly than current implementation plans indicate.

This expedited schedule could result in changes to the environment due to more projects occurring over a condensed time frame. Such changes would be limited to air quality impacts, due to the potential for more acres of prescription burns occurring at one time. It is important to note that due to the limits on allowable burn days, and amount of burning allowed on those days, even if projects were implemented more quickly, it is not clear that this would result in more prescribed burning at one time. However, Water Board staff recognizes the potential exists. Other CEQA

environmental factors (e.g., soils, biological and cultural resources, water quality) would not be adversely affected by an expedited implementation schedule, because impacts would remain unchanged whether projects were implemented on an expedited schedule or not. For example, vegetation management projects can be planned and implemented to avoid or minimize impacts to water quality, cultural, biological or soils resources, and these steps can be taken whether the projects are carried out expeditiously or not, but there is not a way to avoid producing smoke from a prescribed burn.

To determine whether there is substantial evidence to support that implementation of the MOU could result in substantially expedited fuels treatments over the current schedule, we reviewed the 10-year plan to determine what factors were considered in developing the proposed project implementation schedule, and whether permit simplification would cause a significant or potentially significant effect on the environment. We focused on the 10-year plan because it represents the bulk of projects that are likely to be implemented under the proposed MOU.

Review of the 10-year plan indicates that scheduling considerations included:

- funding levels
- treatment costs
- number of acres
- treatment type
- project design
- environmental compliance
- contracting processes

Additional considerations, based on Water Board staff experience, include:

- number of agency staff to review and permit projects
- available personnel to implement projects
- availability of equipment and equipment operators
- limited operating season due to weather conditions
- number of burn days allowed during the project season

Regarding environmental compliance issues, the 10-year plan illustrates the "regulatory influences" on vegetation management in the Lake Tahoe Basin (Figure 21, page 45). For California projects, the permitting requirements of the Lahontan Water Board represent just one of seven potential regulations or guidelines that apply to projects.

Environmental compliance is only one of the twelve bulleted elements that may influence the rate of implementation of vegetation management projects. The Water Board's permitting requirements constitute only one of seven potential regulations that may apply to projects. Therefore, it does not appear that the Water Board's permitting requirements alone would substantially influence the rate of project implementation. Funding and staffing levels, and more important to the issue of increased smoke, the

number of allowable burn days, are more substantial factors that limit the rate of project implementation. Based on this analysis, Water Board staff concludes there is no substantial evidence of a significant effect on the environment as a result of adoption of the MOU that would accelerate vegetation management project implementation in the Tahoe Basin over the currently proposed schedule.

In sum, fuels treatments have been ongoing in the project area for years, and proposals for fuels treatment in the 10-year plan were identified prior to this proposed Vegetation Management MOU. Adoption of the MOU will not affect whether or not vegetation management occurs in the project area; rather, it assigns primary vegetation management permitting responsibility to the TRPA.

The MOU does not propose substantive changes to the currently proposed fuels treatment approach, such as the number, extent, types, locations or methods of fuels treatments. We considered that implementation of the MOU could result in vegetation management activities occurring more quickly than currently predicted; however, numerous other constraints on the rate of project implementation (outlined above) indicate that this potential outcome is unsupported by substantial evidence. Therefore, any potential impacts resulting from increasing the rate of vegetation management projects are not foreseeable. The adoption of the MOU in the project area (the Lake Tahoe Region) will not result in direct adverse environmental effects, and the physical environment in the project area will not be changed from current conditions. Without substantial, or potentially substantial, adverse changes in the physical conditions within the area affected by the project, no significant effects are foreseeable. Individual findings for each CEQA environmental factor follow.

## INITIAL STUDY/ENVIRONMENTAL CHECKLIST

1. **Project title:**  
Resolution Waiving Waste Discharge Requirements for Vegetation Management Activities Regulated by the Tahoe Regional Planning Agency (TRPA) and Authorizing the Lahontan Water Board's Executive Officer to Enter into a Memorandum of Understanding with the TRPA, Lake Tahoe Region
2. **Lead agency name and address:**  
California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board)  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150
3. **Preparer and phone number:**  
Anne Holden, (530) 542-5450
4. **Project location:**  
The Lake Tahoe Region of California, including portions of El Dorado and Placer Counties.
5. **Project sponsor's name and address:**  
Lahontan Water Board  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150  
Attn: Anne Holden
8. **Brief Description of project:**  
The Lahontan Water Board and the Tahoe Regional Planning Agency (TRPA) propose to adopt a Memorandum of Understanding (MOU) regarding regulation of vegetation management activities. The MOU will designate the TRPA as the lead regulatory and permitting agency for vegetation management activities in the Lake Tahoe region.
9. **Surrounding land uses and setting:**  
The proposed project affects the high elevation mountainous environment within the Lake Tahoe region. Land use is generally for commercial, residential, and recreational purposes.
10. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.)

The Executive Director of the TRPA must agree to the conditions of the MOU (indicated by signature) for it to become effective.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors marked below would be potentially affected by this project, as indicated by the checklist on the following pages.

	Aesthetics		Agriculture Resources		Air Quality
	Biological Resources		Cultural Resources		Geology Soils
	Hazards & Hazardous Materials		Hydrology/Water Quality		Land Use / Planning
	Mineral Resources		Noise		Population/Housing
	Public Services		Recreation		Transportation/Traffic
	Utilities/Service Systems		Mandatory Findings of Significance		

## EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect



to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. (Cal. Code Regs., tit. 14, section 15063(c)(3)(D).) In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS</b> -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X

a-d) The proposed project (adoption of the Vegetation Management MOU) would not determine whether vegetation management activities will be implemented; rather, it proposes that permitting and review of these projects would be undertaken by the TRPA instead of the Water Board. Any and all regulations currently required to protect the aesthetics of the project area are not altered or weakened by the proposed MOU.

Fuels treatments have been ongoing in the project area for years, and proposals for fuels treatment in the 10-year plan existed prior to this proposed Vegetation Management MOU. The MOU would not propose substantive changes to the currently proposed fuels treatment approach, such as the number, extent, types, locations or methods of fuels treatments. Because the aesthetic quality of the MOU project area (the Lake Tahoe Region) will not be changed from existing conditions, including foreseeably proposed projects, by the adoption of the MOU, the appropriate finding is *No Impact*.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>II. AGRICULTURE RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

a-c) The proposed project would not involve converting or re-zoning agricultural land to non-agricultural use. There will be no change to agricultural resources in the project area over existing conditions due to the proposed MOU; therefore, the appropriate finding is *No Impact*.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY</b> -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

a-e) The proposed project (adoption of the Vegetation Management MOU) will not determine whether vegetation management activities will be implemented; rather, it proposes that permitting of these projects would be undertaken by the TRPA instead of the Lahontan Water Board.

The implementation of this project does not change the regulatory requirements, statutory authorities, or enforcement abilities of either the TRPA or the Lahontan Water Board, nor does it alter or weaken the requirements of any other agency which may have jurisdiction over air quality issues related to vegetation management (e.g., requirements for smoke management or dust abatement by the TRPA or the relevant county air districts). The primary effect of the project is a procedural change: designating one permitting authority for vegetation management in the project area. The project does not impose substantive changes; that is, it does not propose to

change the types, locations, nature, methods, number or extent of vegetation management projects.

However, the stated purpose of this project is to simplify the existing vegetation management permitting system. As a result of this simplified process, a potential outcome is that vegetation management activities (e.g., as proposed in the 10-year plan) could be carried out more rapidly than current implementation plans indicate.

This expedited schedule could result in changes to the environment due to more projects occurring over a condensed time frame. Such changes could impact air quality, due to the potential for more acres of prescription burns occurring at one time. Because smoke can disperse and accumulate throughout the MOU project area and linger for a period of time, increasing the implementation rate of projects could reduce air quality over current conditions (i.e., the currently projected schedule for project implementation outlined in the 10-year plan).

It is important to note that due to the limits on allowable burn days, and amount of burning allowed on those days, even if projects were implemented more quickly, it is not clear that this would result in more prescribed burning at one time; however, Water Board staff recognize the potential exists. Other CEQA environmental factors (e.g., soils, biological and cultural resources, water quality) would not be adversely affected by an expedited implementation schedule, because impacts would remain unchanged whether projects were implemented on an expedited schedule or not. For example, vegetation management projects can be planned and implemented to avoid or minimize impacts to water quality, cultural, biological or soils resources, and these steps would be taken whether or not projects were carried out expeditiously, but there is not a way to avoid producing smoke from a prescribed burn.

To determine whether there is substantial evidence to support that implementation of the MOU could result in a significant effect on the environment through substantially expedited fuels treatments over the current schedule, we reviewed the 10-year plan to determine what factors were considered in developing the proposed project implementation schedule, and whether permit simplification would cause a significant or potentially significant effect on the environment. We focused on the 10-year plan because it represents the bulk of projects that are likely to be implemented under the proposed MOU.

Review of the 10-year plan indicates that scheduling considerations included:

- funding levels
- treatment costs
- number of acres
- treatment type
- project design
- environmental compliance
- contracting processes

Additional considerations, based on Water Board staff experience, include:

- number of agency staff to review and permit projects
- available personnel to implement projects
- availability of equipment and equipment operators
- limited operating season due to weather conditions
- number of burn days allowed during the project season

Regarding environmental compliance issues, the 10-year plan illustrates the "regulatory influences" on vegetation management in the Lake Tahoe Basin (Figure 21, page 45). For California projects, the permitting requirements of the Lahontan Water Board represent just one of seven potential regulations or guidelines that apply to projects.

Environmental compliance is only one of the twelve bulleted elements that may influence the rate of implementation of vegetation management projects. The Water Board's permitting requirements constitute only one of seven potential regulations that may apply to projects. Therefore, it does not appear that the Water Board's permitting requirements alone would substantially influence the rate of project implementation. Funding and staffing levels, and more important to the issue of increased smoke, the number of allowable burn days, are more substantial factors that limit the rate of project implementation. Based on this analysis, Water Board staff concludes there is not substantial evidence to support that adoption of the MOU would have a significant effect on the environment by accelerating vegetation management project implementation in the Tahoe Basin over the currently proposed schedule.

In sum, fuels treatments have been ongoing in the project area for years, and proposals for fuels treatment in the 10-year plan were identified prior to this proposed Vegetation Management MOU. Adoption of the MOU will not affect whether or not vegetation management occurs in the project area; rather, it assigns primary vegetation management permitting responsibility to the TRPA.

The MOU does not propose substantive changes to the currently proposed fuels treatment approach, such as the number, extent, types, locations or methods of fuels treatments. We considered that implementation of the MOU could result in vegetation management activities occurring more quickly than currently predicted; however, numerous other constraints on the rate of project implementation (outlined above) indicate that this potential outcome is unsupported by substantial evidence. Therefore, Water Board staff concludes that there is no substantial evidence to support that adoption of the MOU would have a significant effect on the environment by accelerating implementation of vegetation management projects in the Tahoe Region over the currently proposed schedule. Therefore, impacts to air quality in the MOU project area (the Lake Tahoe Region) will not be changed over existing conditions by the adoption of the MOU, and the appropriate finding is *No Impact*.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES --</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

a-f) The proposed project will not determine whether vegetation management activities will be implemented; rather, it proposes that permitting of these projects would be undertaken by the TRPA instead of the Water Board.

As described in previous sections, the implementation of this project does not change the regulatory requirements, statutory authorities, or enforcement abilities of either the TRPA or the Water Board, nor does it alter or weaken the requirements of any other agency which may have jurisdiction over biological resources related to vegetation management. The primary effect of the project is a procedural change: designating one permitting authority for vegetation management in the project area.

Vegetation management activities have been ongoing in the project area for years, and proposals for fuels treatment in the 10-year plan existed prior to this proposed Vegetation Management MOU. The MOU does not propose substantive changes to the currently proposed fuels treatment approach, such as the number, extent, types, locations or methods of fuels treatments. Therefore, any impacts to the biological resources of the MOU project area (the Lake Tahoe Region) will not be changed over existing conditions by the adoption of the MOU, and the appropriate finding is *No Impact*.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES</b> -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

a-d) The proposed project (adoption of the Vegetation Management MOU) will not determine whether vegetation management activities will be implemented; rather, it proposes that permitting of these projects would be undertaken by the TRPA instead of the Water Board.



As described in previous sections, the implementation of this project does not change the regulatory requirements, statutory authorities, or enforcement abilities of either the TRPA or the Water Board, nor does it alter or weaken the requirements of any other agency which may have jurisdiction over cultural resources related to vegetation management. The primary effect of the project is a procedural change: designating one permitting authority for vegetation management in the project area.

Vegetation management activities have been ongoing in the project area for years, and proposals for fuels treatment in the 10-year plan existed prior to this proposed Vegetation Management MOU. The MOU does not propose substantive changes to the currently proposed fuels treatment approach, such as the number, extent, types, locations or methods of fuels treatments. Therefore, any impacts to the cultural resources of the MOU project area (the Lake Tahoe Region) will not be changed over existing conditions by the adoption of the MOU, and the appropriate finding is *No Impact*.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS</b> -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

a i-iii) The proposed project does not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction. Because the project does not involve these factors, the appropriate finding is *No Impact*.

a iv) The proposed project does not change the exposure of people or structures to potential substantial adverse effects involving landslides due to vegetation management activities over current conditions. The risk of landslides due to vegetation removal activities in the project area remains the same whether or not the proposed MOU is adopted. Because no change is foreseeable, the appropriate finding is *No Impact*.

b-c) The proposed project will not determine whether vegetation management activities will be implemented; rather, it proposes that permitting of these projects would be undertaken by the TRPA instead of the Water Board to avoid unneeded regulatory duplication.

Waiving waste discharge requirements and entering into an MOU with the TRPA does not limit the enforcement authority of the Water Board, and the Board may take enforcement action as necessary to ensure compliance with its environmental standards and regulations. Any activity for which waste discharge requirements have been waived by the Water Board may be considered a project requiring waste discharge requirements, or enrollment under the Lahontan Timber Waiver, if the Water Board determines the TRPA has failed to adequately regulate the activity or the activity may have a substantial adverse effect on soils and erosion.

The TRPA is mandated by Public Law (P.L.) 96-551 (the Tahoe Regional Planning Compact), to protect the natural resources within the Lake Tahoe Region. The Compact recognizes soil as a threatened natural resource of the Lake Tahoe Basin and requires the TRPA to protect the soil resources of the Basin. The TRPA's "208 Plan" was certified by the states of California and Nevada and the USEPA, and establishes control measures to protect soil resources including a tree removal permit system, stream environment zone and wetland protection policies, vegetation protection and management provisions, prohibitions against fill in 100-year floodplains, and use of Best Management Practices.

The proposed Vegetation Management MOU will require the TRPA to issue permits, conduct inspections and take enforcement action as necessary to ensure compliance with permits and applicable regulations, including its Code of Ordinances, "208 Plan," and the Basin Plan. The TRPA's enforcement mechanisms include issuing notices of correction, notices of violation, and cease and desist orders. The Executive Director of the TRPA can revoke project permits in certain cases. The TRPA Governing Board can authorize legal counsel to pursue judicial remedies, including declaratory and injunctive relief, and civil penalties pursuant to Article VI (1) of the TRPA Compact.

In summary, vegetation management activities have been ongoing in the project area for years, and proposals for fuels treatment in the 10-year plan existed prior to this

proposed Vegetation Management MOU. The MOU does not propose substantive changes to the currently proposed fuels treatment approach, such as the number, extent, types, locations or methods of fuels treatments. The proposed Vegetation Management MOU will require the TRPA to issue permits, conduct inspections and take enforcement action as necessary to ensure compliance with permits and applicable regulations, including its Code of Ordinances and "208 Plan", and the Basin Plan. Therefore, any impacts to geology and soils in the MOU project area (the Lake Tahoe Region) will not be changed over existing conditions by the adoption and implementation of the MOU, and the appropriate finding is *No Impact*.

d) The proposed project does not involve activities such as building construction that are subject to the Uniform Building Code. Because the project does not involve this element, the appropriate finding is *No Impact*.

e) The proposed project does not involve septic tanks or alternative wastewater disposal systems. Because the project does not involve these elements, the appropriate finding is *No Impact*.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS:</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
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a-c) The proposed project does not involve the transport, use, disposal, release, or transmission of hazardous materials. Because the project does not involve these elements, the appropriate finding is *No Impact*.

d) The proposed project does not alter or weaken any requirements to identify risks due to hazardous materials sites pursuant to Government Code Section 65962.5. Therefore, the appropriate finding is *No Impact*.

e-f) The project would not result in a change over current conditions related to activities near an airport or airstrip that would result in a safety hazard. Therefore, the appropriate finding is *No Impact*.

g) The project would not interfere with an emergency evacuation or response plan; therefore, the appropriate finding is *No Impact*.

h) The proposed project will not determine whether vegetation management activities will be implemented; rather, it proposes that permitting of these projects would be undertaken by the TRPA instead of the Water Board. The MOU does not propose changes to the currently proposed fuels treatment approach, such as the number, extent, types, locations or methods of fuels treatments. The primary purpose of the Vegetation Management MOU is to facilitate fuels reduction activities, and these activities should result in decreased risk of exposure to wildland fires. The appropriate finding is *No Impact*.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY</b> -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?				
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

a-j) The proposed project will not determine whether vegetation management activities will be implemented; rather, it proposes that permitting of these projects would be undertaken by the TRPA instead of the Water Board to avoid unneeded regulatory duplication.

The Water Board proposes to make a determination that waiving filing a report of waste discharge and waste discharge requirements for discharges associated vegetation management activities will not adversely affect the waters of the State and is in the public interest, consistent with the requirements of California Water Code (CWC) section 13269. To ensure that this waiver is in the public interest and consistent with the Basin Plan, the Water Board will outline conditions of applicability of the waiver within the Vegetation Management MOU consistent with CWC section 13269, subdivision (a)(1). Further, the MOU will contain certain provisions to ensure the public's interest is protected.

The MOU will include provisions for coordination requirements to track the effectiveness of the MOU in regulating vegetation management activities. The resolution waiving filing a report of waste discharge and waste discharge requirements requires, as will the MOU with the TRPA, compliance with all applicable provisions of the Basin Plan. If the Water Board or TRPA finds that implementation of the MOU is not effective at protecting water quality, the MOU can be terminated by either party with a 60-day notice. Furthermore, any activity for which waste discharge requirements have been waived by the Water Board may be considered a project requiring waste discharge requirements, or enrollment under the Lahontan Timber Waiver, if the Water Board determines the TRPA has failed to adequately regulate the activity or the activity may have a substantial adverse effect on water quality.

A provision of the Vegetation Management MOU will specify conditions under which Water Board staff would be notified of proposed vegetation management activities within the Lake Tahoe Region for projects that may have a potentially significant impact to water quality or beneficial uses of waters of the State. If any of the listed thresholds



are exceeded by a proposed project, then TRPA staff would notify Water Board staff early in the application or project consultation period of the vegetation management project proposal. Furthermore, the Water Board's role on the review team for timber harvest plans on private lands in the project area will remain unchanged.

Waiving waste discharge requirements and entering into an MOU with the TRPA does not limit the enforcement authority of the Water Board, and the Board may take enforcement action as necessary to ensure compliance with its environmental standards and regulations. Under the proposed MOU, the Water Board does not waive filing a report of waste discharge for vegetation management activities where an Environmental Impact Report is prepared with a Statement of Overriding Considerations for any water quality factor.

The TRPA is mandated by Public Law (P.L.) 96-551 (the Tahoe Regional Planning Compact), to protect the quality of water at Lake Tahoe and has adopted thresholds and ordinances aimed specifically at protecting and improving water quality. The TRPA is the designated water quality planning agency under Section 208 of the Clean Water Act. The TRPA's "208 Plan" was certified by the states of California and Nevada and the USEPA, and establishes control measures to protect water quality including a tree removal permit system, stream environment zone and wetland protection policies, vegetation protection and management provisions, prohibitions against fill in 100-year floodplains, and use of Best Management Practices. The TRPA's Regional Plan also provides for attaining and maintaining the strictest water quality standards established by federal or state agencies as required by Article 5, section 5(d) P.L. 96-551, and the TRPA Code of Ordinances incorporates water quality standards as equally restrictive as those contained in the Lahontan Basin Plan.

The proposed Vegetation Management MOU will require the TRPA to issue permits, conduct inspections and take enforcement action as necessary to ensure compliance with permits and applicable regulations, including its Code of Ordinances, "208 Plan," and the Basin Plan. The TRPA's enforcement mechanisms include issuing notices of correction, notices of violation, and cease and desist orders. The Executive Director of the TRPA can revoke project permits in certain cases. The TRPA Governing Board can authorize legal counsel to pursue judicial remedies, including declaratory and injunctive relief, and civil penalties pursuant to Article VI (1) of the TRPA Compact.

In summary, vegetation management activities have been ongoing in the project area for years, and proposals for fuels treatment in the 10-year plan existed prior to this proposed Vegetation Management MOU. The MOU does not propose substantive changes to the currently proposed fuels treatment approach, such as the number, extent, types, locations or methods of fuels treatments. The proposed Vegetation Management MOU, the TRPA has the responsibility to issue permits, conduct inspections and take enforcement action as necessary to ensure compliance with permits and applicable regulations, including its Code of Ordinances and "208 Plan", and the Basin Plan. Therefore, any impacts to hydrology and water quality in the MOU project area (the Lake Tahoe Region) will not be changed over existing conditions by the adoption of the MOU, and the appropriate finding is *No Impact*.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>IX. LAND USE AND PLANNING</b> - Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

a-b) The proposed project does not divide an established community, involve land use planning or policy. Because the project does not involve these elements, the appropriate finding is *No Impact*.

c) The proposed project will not determine whether vegetation management activities will be implemented; rather, it proposes that permitting of these projects would be undertaken by the TRPA instead of the Water Board.

As described in previous sections, the implementation of this project does not change the regulatory requirements, statutory authorities, or enforcement abilities of either the TRPA or the Water Board, nor does it alter or weaken the requirements of any applicable conservation plan that may apply to vegetation management activities. Therefore, existing conditions related to habitat or natural community conservation plans will not be changed by the adoption of the MOU, and the appropriate finding is *No Impact*.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>X. MINERAL RESOURCES</b> -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

a-b) The proposed project does not involve mineral resources; therefore, the appropriate finding is *No Impact*.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XI. NOISE:</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

a-f) The proposed project does not change the exposure of people to potential adverse effects involving noise due to vegetation management activities over current conditions. Noise levels due to vegetation removal activities in the project area will remain the same whether or not the proposed MOU is adopted. Because no change is foreseeable, the appropriate finding is *No Impact*.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XII. POPULATION AND HOUSING --</b> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

a-c) The proposed project does not involve construction of new homes, businesses, or infrastructure. The project would also not displace people or existing housing. Because the proposed project does not involve these elements, the appropriate finding is *No Impact*.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XIII. PUBLIC SERVICES</b>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

a) The proposed project does not involve new or physically altered government facilities. Because the proposed project does not involve these elements, the appropriate finding is *No Impact*.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XIV. RECREATION --</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

a-b) The proposed project does not involve increasing the use of recreational facilities, or require construction or expansion of recreational facilities. Because the proposed project does not involve these elements, the appropriate finding is *No Impact*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XV. TRANSPORTATION/TRAFFIC --</b> Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

a-b) The proposed project would not cause an increase in traffic or exceed a level of service due to vegetation management activities over current conditions. Traffic levels due to vegetation management activities in the project area will remain the same whether or not the proposed MOU is adopted. Because no change is foreseeable, the appropriate finding is *No Impact*.

c) The proposed project does not involve air traffic. Because the proposed project does not involve this element, the appropriate finding is *No Impact*.



d) The proposed project does not involve installation of hazardous design features. Because the proposed project does not involve this element, the appropriate finding is *No Impact*.

e-f) The proposed project does not affect emergency access or parking capacity; therefore, the appropriate finding is *No Impact*.

g) The proposed project does not involve alternative transportation. Because the proposed project does not involve this element, the appropriate finding is *No Impact*.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

a-c) The proposed project does not involve the expansion or construction of wastewater or storm water treatment facilities. Because the proposed project does not involve these elements, the appropriate finding is *No Impact*.

d) The proposed project does not change the need for water supplies due to vegetation management activities over current conditions. The need for water supplies to serve vegetation removal activities (e.g., for dust abatement) in the project area will remain the same whether or not the proposed MOU is adopted. Because no change is foreseeable, the appropriate finding is *No Impact*.

e) The proposed project does not require service by wastewater treatment facilities. Because the proposed project does not involve this element, the appropriate finding is *No Impact*.

f) The proposed project would not affect solid waste generation or landfill capacities over current conditions. Because no change is foreseeable, the appropriate finding is *No Impact*.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE --</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

a) The MOU does not propose substantive changes to the currently proposed fuels treatment approach, such as the number, extent, types, locations or methods of fuels treatments. Therefore, the physical environment of the MOU project area (the Lake Tahoe Region) will not be changed from current conditions by the adoption and implementation of the MOU. Without substantial, or potentially substantial, adverse changes in the physical conditions within the project area, the project does not have the potential to degrade the quality of the environment, or cause significant adverse effects.

b) Fuels treatments have been ongoing in the project area for years, and proposals for fuels treatment in the 10-year plan were identified prior to this proposed Vegetation Management MOU. Adoption and implementation of the MOU will not affect whether or not vegetation management occurs in the project area; rather, it assigns primary vegetation management permitting responsibility to the TRPA. The TRPA is mandated

by P.L. 96-551 to protect the quality of water at Lake Tahoe and has adopted thresholds and ordinances aimed specifically at protecting and improving water quality. The TRPA's Regional Plan also provides for attaining and maintaining the strictest water quality standards established by federal or state agencies as required by Article 5, section 5(d) P.L. 96-551, and the TRPA Code of Ordinances incorporates water quality standards as equally restrictive as those contained in the Lahontan Basin Plan. The Vegetation Management MOU does not alter or reduce the need for project proponents to comply with the requirements of any other agency or regulation related to impacts from vegetation management activities.

As such, the only foreseeable effect is that fuel treatment projects may be implemented on a faster track. After considering all constraints on project implementation, Water Board staff concludes that no substantial evidence exists to support that this effect will occur. The MOU does not propose substantive changes to the currently proposed fuels treatment approach, such as the number, extent, types, locations or methods of fuels treatments. Therefore, the physical environment of the MOU project area (the Lake Tahoe Region) will not be changed from current conditions by the adoption of the MOU. Without substantial, or potentially substantial, adverse changes in the physical conditions within the area affected by the project, the project does not have the potential to create cumulatively considerable impacts.

c) The preceding environmental checklist demonstrates that the project will not result in adverse environmental effects. The purpose of the project is to facilitate vegetation management activities in the Lake Tahoe Region. The bulk of projects that will be implemented under the MOU are for fuels treatment to reduce the risk of wildfire, thereby enhancing public health and safety. This represents a beneficial, not adverse, effect on human beings.

## **DETERMINATION (To be completed by the Lead Agency)**

On the basis of this initial study:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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Signature

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Date

## REFERENCES

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